

Guide to Preparing a Concept Plan



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**MAINE LAND USE REGULATION COMMISSION
DEPARTMENT OF CONSERVATION**



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APPLICABILITY AND SCOPE

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I. CONCEPT PLANS

Introduction

A concept plan is a written agreement that specifies the future use of a large area, which may include a lake or group of lakes. Concept plans often include binding commitments to permanently conserve areas with important public values in exchange for development at densities or rates not permitted through the traditional regulatory framework. These plans are initiated by landowners and must be approved by the Land Use Regulation Commission. An approved concept plan replaces the Commission's traditional zoning and land use controls for the area in question, and the plan's provisions govern land uses within the area in place of the Commission's normal regulations.

Size of Area

The area of the plan does not have to be contiguous land and may include all or part of a large ownership. Concept plans involving lakes must include, at minimum, all land within 500 feet of the lake shoreline. The Commission generally discourages proposals on parcels smaller than a thousand acres because of the limited flexibility offered by areas of such modest size.

Level of Detail

The level of detail provided by the concept plan depends on the landowner's immediate goal. Plans can be fairly general by simply focusing on the number and location of units. They can also be very specific, including the number and location of units along with siting and design details.

Beyond the minimum needed to clearly establish the terms of the agreement, the level of detail in a plan depends on what the landowner wants to achieve as a result of the plan's approval. Some landowners may wish to receive approval for the overall concept before investing in the work needed to undergo subdivision review. Or they may choose to sell the area to a third party to complete the project. Others may wish to complete the additional technical work necessary for subdivision review, thereby avoiding the need to undergo a lengthy subdivision approval process later on.

Life of Plan

Concept plans remain in effect for the period of time specified in the plan. Ten years is the minimum term the Commission will consider. However, plans lasting fewer than 20 years or longer than 30 years are generally discouraged.

Benefits

Concept plans are beneficial to both the landowner and the public. From the landowner's perspective, an approved plan provides predictability and enhanced land value. The concept plan establishes a permissible level of development for the subject area with associated increases in land value. The landowner may be authorized to develop at higher densities or at a faster pace, thereby increasing the net present value of the land.

From the public's perspective, concept plans result in commitments that certain areas with important public values will be conserved in perpetuity. Concept plans also promote good long-term planning based on resource suitability and other factors.

From both perspectives, the plan offers a level of predictability that otherwise does not exist.

Roles and Responsibilities

Overall, the landowner's role is to advocate for his or her private interests, including:

- Identifying the landowner's objectives;
- Soliciting input from lessees, camp owner associations, government agencies, conservation groups and other interested parties;
- Determining the nature, location and extent of conservation measures;
- Collecting, summarizing, and analyzing data about the planning area; and
- Assuming primary responsibility for drafting the plan.

The Commission staff advocates for the public interest, including:

- Identifying the Commission's objectives for an acceptable plan, including the conservation measures necessary to balance the proposed development;
- Preparing build-out analyses and identifying how much development the Commission would allow over the life of a concept plan in the absence of such a plan;
- Directing development to the most appropriate areas;
- Advocating appropriate locations for conservation;
- Assuming primary responsibility for setting up public meetings; and
- Drafting and revising provisions of the plan relating to protection of the public interest.

There are two ways to develop a concept plan. The landowner may work collaboratively with the Commission staff or develop a proposal independent of such collaboration. In both cases, the landowner is encouraged to actively solicit public input as the plan is created.

Working collaboratively with the Commission staff is intended to maximize the chances of success. In this case, the staff's role is to help the landowner develop a plan that meets the pertinent criteria, although ultimately the Commission makes the final decision. Despite the collaboration, the plan remains the landowner's product. The Commission staff is the primary reviewer of the plan, responsible for making a recommendation to the Commission. Some issues may not be resolved during negotiations. In such cases, staff will present these issues to the Commission with recommendations. The landowner will also have an opportunity to present his or her perspective on any unresolved issues before the Commission makes a final decision.

The landowner also has the option of preparing a plan independently, without collaborating with staff. In this case, the staff's principal role is to provide the landowner with guidance on the minimum requirements of preparing a complete proposal that can be considered by the Commission.

II. PROCESS

Time Frame

While every effort is made to expedite the planning and review process, realistically it takes at minimum six months, and more likely at least a year, from the time an initial draft of a concept plan is submitted to the time the Commission acts on the proposal. However, the landowner will likely also spend a significant amount of time conducting a resource inventory, evaluating the suitability of areas for development and conservation, and drafting the concept plan before the proposal is submitted to the Commission staff for review.

Experience has demonstrated that the more balanced the landowner's initial proposal is and the more fully it reflects the development guidelines of the Commission's *Comprehensive Land Use Plan*, the less amount of time will be required to reach an agreement with the Commission.

This section summarizes the basic steps involved in the concept planning process. A more detailed description of the planning process is included as an appendix to this document.

Initial Project Planning

The landowner decides on the area to be covered by the concept plan, the level of detail to be achieved, and the planning process to be employed. The landowner must decide whether to work collaboratively with Commission staff or independently. While working collaboratively may take longer, it increases the likelihood of developing an approvable plan.

Certain threshold issues should be considered early on before significant resources have been invested in plan development. Threshold issues are those that clearly present a potential basis for denial. For example, the location of proposed development or the balance between conservation and development may be threshold issues. The landowner and staff should attempt to identify threshold issues and discuss them early in the process to determine if they can be resolved. While it may not be possible to resolve threshold issues before investing considerable resources in the preparation of the plan, such issues should be clearly identified and accepted by the landowner as potentially posing the basis for denial of a proposal.

It is also helpful to discuss the area to be included in the plan, as it may be advantageous to include, or exclude, specific areas. Ideally, when proposing a lake concept plan, the plan should include all of the applicant's ownership on the lake. The staff may ask the landowner to include other holdings if inclusion of such holdings would improve the plan or enhance the likelihood of approval. If the applicant owns only a portion of a lake, the plan should clearly indicate how it fits with the rest of the lake.

Conducting a Resource Inventory

Good information that provides a solid basis for making knowledgeable decisions is key to the success of a concept plan. In consultation with Commission staff and using approved concept plans as a guide, the landowner compiles existing information about the area of the plan. In general, information is collected on the following topics:

History of the area	Fish, plant and wildlife resources
Existing development in the area	Scenic resources
Existing services in the region	Cultural and archaeological resources
Existing conservation in the region	Recreational resources
Forest and agricultural resources	Soils, slopes and wetlands
Water resources	

In some cases, staff may request the collection of additional data if more information is needed to clarify important issues regarding particular resources.

Evaluating Suitability for Development and Conservation

The landowner, in collaboration with the Commission staff, establishes general criteria for evaluating the suitability of the plan area for development and conservation. Consideration in evaluating development suitability should be given to environmental factors such as soils, slopes, water quality, and sensitive resources, as well as cultural factors such as access, proximity of existing development, and compatibility with existing uses. Evaluation of suitability for conservation is generally based on information on the specific conservation values of lakes and other locales within the plan area. Examples of areas with conservation values include sites with rare or sensitive resources or places that offer public recreational opportunities. The applicant should avoid identifying conservation land as only that land which is unsuitable for development. The result of this analysis is to identify areas within the concept plan best suited for development and best suited for conservation.

Preparing Benchmarks: Existing Options and Build-out Analysis

The Commission staff prepares a benchmark analysis, which includes an assessment of existing options and an estimate of the maximum amount of development allowed. The assessment of existing options identifies how much development could occur under the present regulatory framework, absent a concept plan. This amount is evaluated for the proposed life of the plan. The staff also estimates the maximum amount of development that would likely be permitted, particularly on affected lakes, over the proposed life of the plan. These analyses provide benchmarks for evaluating the level of development proposed and the level of conservation needed to balance development.

Proposing a Management Focus

Following review of resource information and development and conservation analyses, a management focus should be proposed for each lake and other areas within the concept plan. It may be useful to classify areas using the following categories:

- Status quo (no change, no new development, no conservation);
- Dominant development (develop specific portions of the plan area);
- Mixed development/conservation (mixture of conservation and development);
- Dominant conservation (conserve most of shoreline, allow limited development); or
- Complete conservation (conserve the entire shoreline).

The management focus should identify the long-term goals of the landowner for all areas within the concept plan. The landowner should also identify areas within the ownership that are excluded from the concept plan (particularly any excluded shoreland areas), provide a rationale for such exclusion and indicate anticipated future long-term plans for these areas.

Identifying Amount and Location of Development and Conservation Areas

Following determination of the management focus for individual lakes and other areas, the specific amount and location of development is identified, including the general number and type of dwellings (e.g. year-round, seasonal, remote camps, backcountry cabins) and the general type of commercial development, if any. General locations of dwellings should be established at this point, utilizing the list of areas best suited for development.

Utilizing the list of areas best suited for conservation, conservation measures are also identified at this point, including the amount of land (acres and shore frontage) affected and the nature of the conservation provided (donation of land in fee, donation of easement, provision of public access, or other measures).

In identifying the areas set aside for development and conservation, the landowner must ensure that the plan strikes a reasonable and publicly beneficial balance between development and conservation of lake resources. To be acceptable, the concept plan must make a serious commitment to the in-perpetuity conservation of areas with important public values. The landowner's rationale for selecting the location and amount of development and conservation area should be clearly stated within the concept plan. This information will be used by the Commission staff as a basis for evaluation of the concept plan.

Gathering Public Input

While developing the plan and prior to formally submitting the plan to the Commission, the landowner should solicit input from as many interests as possible, including government agencies, conservation groups, area residents, recreationists, and other interested parties. The goal is to ensure that interested parties are apprised of the plan's major features during the planning stage and given an opportunity to provide feedback. Providing opportunities for public input does not mean negotiating a plan with all interested parties. Rather, it means obtaining input as the plan is being developed, considering the issues that interested parties care about, and addressing legitimate concerns in the plan. The following measures are strongly recommended to ensure that ample opportunities are provided for public input:

- Hold an informational meeting open to the public in the region of the proposal prior to formal submission of the concept plan;
- Mail information on the plan's major features to interested parties prior to formal submission of the plan;
- Follow up with calls to interested parties who do not respond to the mailing or meetings; and
- Address the concerns that were identified by interested parties through revisions of the plan.

The Commission staff's role is to provide lists of potential interested parties and government agencies to the landowner, and to be available to provide information and answer questions at meetings. Staff may also assist the landowner with evaluation of concerns expressed by interested parties and formulation of options for addressing these concerns.

Drafting and Submitting the Concept Plan

In general, a concept plan should include information about the resource inventory, the management focus, the amount and location of proposed development and conservation, and should clearly address all of the review criteria for concept plans. At minimum, a concept plan should identify:

- (1) all areas where new development is to be located;
- (2) resource values or shoreland areas to be protected;
- (3) mechanisms that will be used to conserve important resources or areas; and
- (4) the life span of the plan.

Additional details about the proposal may be necessary to include within the plan, depending on what the landowner wants to achieve as a result of the plan's approval. A sample outline summarizing information to include within a more detailed concept plan is included as an appendix within this document.

Due to the long-term planning implications of concept plans, it is advisable for the landowner to hire a professional planner to draft the concept plan. This is especially important if the landowner opts to draft the plan without significant collaboration with Commission staff. Hiring a planner or someone familiar with drafting comprehensive plans will help ensure that the concept plan meets the Commission's planning objectives and requirements and is written in a manner that is thoughtful and forward-looking.

The concept plan proposal should not be formally submitted to the Commission until public input on the plan's major features has been solicited, a preliminary draft has been reviewed by Commission staff and major concerns have been addressed as appropriate.

Conducting Public Hearings

The purpose of soliciting public input on the concept plan prior to formal submission is to identify major problems or issues associated with the proposal prior to the public hearing, in part because it is easier to resolve issues before a plan has been finalized. This approach is intended to increase the likelihood of developing a successful concept plan.

Despite the public input solicited early in the process, however, the Commission will likely hold public hearings on most concept plans. The Commission is required to hold hearings on rezoning petitions if more than five individuals request a hearing. Even in the absence of such requests, the Commission is likely to hold a hearing to ensure that the public has an opportunity to make comments on the formal proposal. The public hearing process usually adds a minimum of two months to the process because of statutory notification and other requirements.

If a number of unanticipated issues are raised at the hearing, the applicant may want an opportunity to consider the issues raised, discuss them with staff, and possibly revise the proposal. If so, the applicant should meet with staff to discuss the status of the application and how to proceed.

Commission Decision and Implementation

The Commission will try to act on the proposal as soon as possible after the public hearing. The time required to draft a staff recommendation varies depending on the number and complexity of issues raised at the public hearing.

Plans will be approved if they meet the provisions of the Commission's standards for concept plans, as described further below. Principal among these standards is that, by means of its conservation provisions, the plan must provide clear benefits to the public beyond those that would be achieved by the zoning and regulatory process that the Commission would otherwise employ.

If the proposal is approved, the Commission's zoning maps will be revised to reflect the concept plan area as a Resource Plan Protection (P-RP) subdistrict. Likewise, land uses will be governed by the plan's provisions in place of the Commission's land use standards. Unless detailed subdivision review was sought as part of the concept plan, the next steps include submission of a subdivision application and execution of easements proposed as part of the plan.

Concept plans may be extended or renegotiated upon expiration. At the time of reevaluation, portions of the shoreline which were not slated in the original plan for development or conservation may be reallocated and additional development may be approved if it is balanced by additional conservation measures as appropriate.

III. CRITERIA FOR APPROVAL

The Commission's *Comprehensive Land Use Plan* authorizes the use of concept plans through the discussion of its goals and policies for water resources as well as the Commission's lake management program. Concept plans are implemented by rezoning the area of the proposal to the Resource Plan Protection (P-RP) subdistrict. Consequently, the principal review criteria for concept plans are statutory criteria for approving rezoning proposals and criteria in the Commission's rules for approving resource plans. If concept plans involve lakes, they are also reviewed under special criteria used to evaluate intensive development on lakes.

Statutory Criteria

Under provisions of the Commission's statute, 12 M.R.S.A. §685-A(8), no change in a district boundary may be approved unless:

1. There is substantial evidence that the change would be consistent with the standards for district boundaries in effect at the time; the *Comprehensive Land Use Plan*, and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
2. The change in zoning will satisfy demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area. *[Note: In the instance of a concept plan, the latter provision, "is more appropriate..." is the applicable standard of approval.]*

Commission's Rules

Under provisions of Section 10.16,F,6 of the Commission's Land Use Districts and Standards, the Commission may approve a resource plan and any associated rezoning to the Resource Plan Protection (P-RP) Subdistrict only if it finds that the following criteria are satisfied:

1. The plan conforms with redistricting criteria;
2. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
3. The plan conforms with the Commission's Comprehensive Land Use Plan;
4. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures;
5. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of lake concept plans, includes in its purpose the protection of those resources in need of protection;
6. In the case of concept plans, the Plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and
7. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

Under provisions of Section 10.13,B,2 of the Commission's Land Use Districts and Standards, the Commission established the following special review criteria for intensive development proposed on lakes:

1. Natural and cultural resource values: The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment;
2. Water quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
3. Traditional uses: The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;
4. Regional diversity: The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;

5. Natural character: Adequate provision has been made to maintain the natural character of shoreland;
6. Lake management goals: The proposal is consistent with the management intent of the affected lakes classification; and
7. Landowner equity: Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

Additional information on the above shoreland review criteria is provided in Appendix C of the Commission's *Comprehensive Land Use Plan* (pages C-4 and C-5).

Major Considerations

The criteria listed above can be translated into a number of major considerations that dominate the assessment of concept plans.

■ Conservation Measures

The Commission will require conservation measures even when the level of development does not exceed the levels identified in the build-out analysis because, in many cases, the pace of development is accelerated, with associated financial benefits to the landowner. As the level of development proposed grows beyond levels identified in the benchmark analyses, conservation measures must grow proportionately. In particular, if the amount of development proposed exceeds the benchmark levels, the public benefits of the conservation measures proposed must be very substantial to justify the plan's approval.

In addition, when compared to the natural resource and public use protections provided under the Commission's existing rules, the plan must provide additional benefits which justify its approval from a public perspective. Such benefits could include ensuring a more benign pattern of land use than the Commission would likely require (e.g. no development; or, where development will occur, require greater setbacks, lower impact uses and clustering).

The most valuable conservation measures are those which offer in-perpetuity protection, such as donations of property or easements. In general, the Commission will be looking to protect areas with the highest public value, particularly high value portions of lakes or the entire shorelines of undeveloped or lightly developed lakes with high conservation values.

■ Balance between Development and Conservation

A key consideration is the nature and amount of development and conservation proposed, and whether they are appropriately balanced. Proposed development should be consistent and compatible with the character and use of the area in which it is proposed. The balance struck between development and conservation must be "reasonable and publicly beneficial." Proposed conservation should provide clear and significant public benefits, and the Commission will consider the public's response to a concept plan when evaluating public benefit. Concept plans are less likely to be approved if they lack strong public support.

■ Consistency with the *Comprehensive Land Use Plan*

The *Comprehensive Land Use Plan* expresses the Commission's broad goals for the jurisdiction and its policies which guide its efforts to protect resources and direct development to appropriate areas. The concept plan should be carefully evaluated for consistency with these goals and policies.

Of particular importance are the Commission's policies regarding the location of development. The Commission has a policy to "encourage orderly growth within and proximate to existing, compatible developed areas, particularly near towns and communities," commonly referred to as the "adjacency criterion." This policy has been the central tenet of the Commission's growth management strategy since adoption of its first comprehensive plan. As a result of this policy, most rezoning petitions for development

are within approximately one mile of existing, compatible development. When evaluating proximity to "existing, compatible development," the Commission looks particularly for development that is similar in scale and nature to that which is proposed. This policy has been a major factor in preventing scattered and sprawling development in the jurisdiction.

The Commission's lake management program, presented in Appendix C of the *Comprehensive Land Use Plan*, authorizes the Commission, when assessing concept plans, to "consider adjusting certain standards, such as the adjacency criterion, provided any such relaxation is matched by comparable conservation measures." This authorization should not be construed, however, as a broad mandate to allow development anywhere in the jurisdiction without considering the appropriateness of the location and its impact on important values. Any adjustment should not subvert the basic principles of the Commission's *Comprehensive Land Use Plan*, including that of directing growth to areas best suited to support it, as well as protecting the unique characteristics of the jurisdiction.

Location within the jurisdiction and in relation to population and employment centers are important considerations. In considering location, the concepts of fringe, intermediate and core areas are particularly useful. Generally, new development is most appropriate in fringe areas, less appropriate in intermediate areas, and least appropriate in core areas (Commission staff can provide definitions of these terms). The concept plans that have been acted upon by the Commission provide some useful case history on this issue.

- Adverse Impacts

Concept plans are evaluated to determine whether they will adversely affect existing uses and resources in the area. Factors to consider include the presence of or proximity to lands with environmental constraints or special resource or cultural values, potential for interference with timber production, impact on recreational resources or wildlife habitat, and impact on existing residential and nonresidential uses.

- Adjacency Waiver

The *Comprehensive Land Use Plan* authorizes adjustment of the adjacency criterion as explained above, but specifies that any development gained by granting of such an adjustment must be matched by comparable conservation measures. Consistent with this directive, the greater the adjustment requested (i.e. the farther proposed development is from comparable development), the greater the conservation needed to match the adjustment.

- Additional Requirements

All proposed development within the concept plan must meet the Commission's normal standards for site suitability (e.g. soils, slopes, etc.) and must comply with the Commission's minimum dimensional and setback requirements.

Acceptable concept plans must also maintain or enhance the protection of all public values of the lake(s) involved. Specifically, a plan must maintain the Commission's lake management classification and ensure that the proposal is consistent with the stated management intent for that class of lake. Likewise, lake water quality must be maintained within acceptable standards.

IV. HELPFUL HINTS

Expediting the Commission's Review

If you wish to speed up the Commission staff's review of your draft plan there are several things you can do:

- If you intend to include the Commission's current land use standards in your plan, attach them as appendices *precisely* as they are in the Commission's rules so there is little opportunity for confusion. If you want to change them, do so in a ~~striketrough~~ and underline style so it is obvious what you've changed in your draft. You'll also need to provide convincing reasons for changing the Commission's standards.
- Have a proposed holder of any easements lined up *before* you submit your first draft of the plan. Ultimately, the holder of any easements must be approved by the Commission so don't wait to start this search. Your plan cannot become effective until a holder is found and approved by the Commission
- Have someone prepare the plan who is experienced in drafting such documents. This is not like preparing any other Commission application. It requires someone with experience in drafting land use plans. If Commission staff feels compelled to rewrite the plan to make it understandable, it will greatly delay the processing of your proposal.
- Your draft easement should be authored by an attorney and should be based on the Commission's model easement with any changes *clearly* shown in strikethrough and underline fashion. The Commission's legal counsel must review the easement, so showing where the differences are between the Commission's model and your draft will greatly facilitate the legal review of the easement.
- While the sample outline for drafting a concept plan is only a suggestion, following it reasonably closely will speed the Commission staff's review.

APPENDIX A. DETAILS OF THE PLANNING PROCESS

Note: While the process outlined here is a good general guide, it will be applied differently in every case to maximize the likelihood of a successful proposal.

- I. **Initial Project Planning** - Decide on area to be covered, level of detail desired, and process to be employed.
 - A. Negotiate agreement with Commission staff on the area to be covered by plan and the planning process to be employed. Proposals involving all of the bodies of water within an ownership offer the greatest flexibility on meeting public and private interests.
 - B. Brief the Commission. It is important to keep the Commission informed of progress and to receive guidance on any policy issues that may arise.
- II. **Resource Inventory and Analysis** - Collect, summarize, and analyze information on the concept plan area.
 - A. Compile existing resource information and summarize information on lake and other resource characteristics.
 - B. Determine the criteria that will be used to assess the suitability of lakes and other resource areas for development. Decisions on where to focus development must be defensible: Objective criteria should be used to evaluate the suitability of the lakes involved for development. These criteria include consideration of soil and slope suitability, water quality, sensitivity and other factors.
 - C. Identify and fill data gaps. The most important data gaps encountered in the past have included soils information and water quality field data.
 - D. Analyze the suitability of areas for development. Systematically apply the criteria developed earlier to each waterbody and other plan areas and evaluate development suitability.
 - E. Identify which lakes, portions of lakes or other plan areas have important conservation values. Identify those lake shorelines that have the most value for conservation purposes from a public perspective. For the results of this analysis to be valid, the landowner's representatives and Commission staff should visit the concept plan area.
 - F. Conduct a build-out analysis. With this analysis, the Commission determines how much development it might have approved in each area or on each lake under the existing zoning and regulatory framework. The analysis provides an important benchmark for reviewing development levels proposed in the plan. Note that substantial conservation measures will be required even for plans that do not propose to go beyond the levels of development specified in the build-out analysis. This is because there must be clear and convincing reasons to depart from the Commission's traditional zoning and because, even if levels of development do not exceed the build-out, the pace of development may be accelerated and there are other substantial benefits to the landowner from having a plan approved.
- III. **Gathering Public Input** - Meet with government agencies, camp owners, and other interested parties.
 - A. Organize meetings with government agencies, camp owners, and other interested parties.
 - B. Follow-up with participants by answering questions and encouraging further collaboration. Summarize concerns voiced and identify options for responding.
 - C. Brief the Commission.

IV. **Negotiating a Draft Plan**

Note: The key consideration in the Commission's review of concept plans is be the level of development and conservation measures proposed. In general, the Commission will be looking to protect shorelines (areas within at least 500 feet of the lakes) with the highest public value. These may be either high value portions of lakes (e.g., undeveloped islands, wildlife habitat, etc.) or the entire shoreline of an undeveloped or lightly developed lake with high conservation value.

In light of the benefits to the landowner (increased land value and an increase in net present value), the Commission will require conservation measures even if the landowner is not proposing to exceed the build-out analysis for the lakes involved. As the levels of development requested grow beyond the levels identified in the build-out analysis, the Commission's requirements will become more substantial with regard to conservation measures. Those conservation measures which will weigh most heavily in the balance, and which will be necessary to offset substantial development, are those which offer permanent protection of areas with outstanding public values (e.g., donations of property, easements, etc).

It is extremely important that the Commission be able to demonstrate that the conservation measures proposed in each plan will result in significant public benefits. Without public support, individual concept plans are unlikely to be approved.

- A. Review resource information and analyses and determine preliminary management focus for each lake or other plan area. Past efforts have found it useful initially to divide lakes into 4 categories based on the most appropriate future management objectives (i.e., conserve the entire shoreline, conserve some portions of the shoreline and develop others, develop large portions of the shoreline, and maintain status quo). Following this initial categorization, the management focus for each body of water or plan area should be explained in a few sentences.
- B. Landowner's initial proposal. Based on the information collected and analyses done, including the build-out and conservation analyses, the landowner should develop a realistic proposal or several options that would be acceptable. This proposal should be presented to Commission staff.
- C. Commission review of initial proposal. The Commission staff will confer among its members and develop a thoughtful response to the landowner's proposal.
- D. Consult with interested parties as necessary to assure their concerns are addressed. At any time in the process, questions about the views of other interests may arise - these should be addressed as they come up.
- E. Work out differences to assure that Commission staff and the landowner agree on the management of each concept plan area. This task may involve a number of meetings.
- F. Consider the content of the plan to protect landowner interest (e.g., what assurance does landowner get that later development permits will be approved). The landowner needs to make certain that he or she is fully satisfied with the Commission's terms.
- G. Consider the content of the plan to protect public interests (e.g., conditions under which development is approved, guarantees that conservation measures will be implemented, etc).
- H. Draft plan reflecting agreements between the landowner and Commission staff.
- I. Brief the Commission.

- V. **Reviewing the Draft** – Obtain input from government agencies and interested parties.
- A. Organize meetings. The purpose of these meetings is to allow interest groups and the public the opportunity to help shape the final plan and avoid problems further down the road.
 - B. Follow up with participants. Identify important concerns and how they might be dealt with in the plan.
 - C. Brief the Commission.
 - D. Review comments from agencies and interests and identify options. Work out mutually acceptable revisions to plan and reduce to writing. Make changes to assure that the plan serves both public and landowners interests and will be acceptable to the Commission.
- VI. **Formally Submitting a Proposal**
- A. Prepare a request for rezoning to P-RP based on the concept plan. This can be a simple request in a letter and list of landowners within 1,000 feet. Abutting landowners must be notified of the rezoning request.
 - B. Release the plan for public review. Develop a strategy to inform the public about the plan's development. The Commission portion will stress opportunities for public involvement and public benefits.
- VII. **Holding a Public Hearing**
- A. Brief the Commission and request authorization for a public hearing. Abutting landowners must be notified of the public hearing.
 - B. Organize and conduct public hearing. The Commission staff will prepare for and conduct the hearing. The landowner will have an opportunity to give a presentation to the Commission during the hearing.
 - C. Summarize comments and options for addressing issues. Commission staff will identify concerns expressed at the public hearing.
 - D. Work out mutually acceptable revisions to plan and reduce to writing. Make final changes to assure that the plan serves both public and landowners interests and will be acceptable to the Commission.
- VIII. **Presenting the Plan to the Commission for Adoption**
- A. Draft staff recommendation.
 - B. Develop presentation for Commission. Commission staff will present its recommendation. The landowner will also have an opportunity to make a presentation to the Commission.
 - C. Attend Commission meeting and present proposal.
- IX. **Implementation**
- A. Implement conservation measures. Ensure that all conservation easements are executed as appropriate.
 - B. Upon approval of the concept plan and implementation of conservation measures as appropriate, the landowner may submit subdivision applications for the proposed concept plan development.

APPENDIX B. SUGGESTED OUTLINE FOR CONCEPT PLANS

- I. **Summary** - Brief overview of the area covered by the concept plan (including a map), waterbodies included within the planning area, natural resources and cultural features included within the planning area, proposed duration of the plan, proposed development, proposed conservation, and other significant features of the proposal. This summary should function as a separate document that can be provided to interested parties.
- II. **Statistical Summary** – Acreage, shore frontage and percentages about current ownership, existing development/conservation land, and proposed development/conservation land.
- III. **Petition for Rezoning** – A complete application form, including required exhibits.
- IV. **Introduction**
 - A. About the Applicant
 - B. Proposed Development – Brief Description
 - C. Proposed Conservation – Brief Description
 - D. Benefits to the Landowner
 - E. Benefits to the Public
 - F. Benefits to the Economy
- V. **Inventory**
 - A. Concept Plan Area – Location and description of the area covered by the plan.
 - B. Current Ownership – Extent of applicant’s ownership, identification of adjacent landowners and camp owners.
 - C. History – Traditional uses of the plan area and surrounding region.
 - D. Regional Context – Overview of the region surrounding the plan area, including development patterns, land uses, natural features, and other unique regional attributes. For plans that cover a portion of a lake shoreline, the rest of the lake should be evaluated.
 - E. Existing Development – Existing residential and commercial development within and proximate to the plan area.
 - F. Existing Services – Roads and access ways, utilities, solid waste disposal, fire protection, health care services, schools, and other public services available for inhabitants within the plan area.
 - G. Existing Conservation – Existing conservation areas within and proximate to the plan area.
 - H. Forest and Agricultural Resources – Including forest types and land use/land cover (e.g. percent of land cover composed of deciduous forest, mixed forest, evergreen forest, agricultural land, etc.)
 - I. Water Resources – Including water quality measurements (pH, total phosphorus, alkalinity, transparency, color, watershed information, etc.).
 - J. Fish, Plant and Wildlife Resources – Including habitats of rare, threatened, or endangered plant species; unique natural plant communities; essential wildlife habitats; significant or outstanding fishery ratings; etc.
 - K. Scenic Resources
 - L. Cultural and Archaeological Resources – Including archaeologically sensitive areas.
 - M. Recreational Resources – Including areas and resources utilized for primitive recreational activities and public recreation.
 - N. Soils, Slopes and Wetlands
 - O. Existing LURC Zoning

- VI. **The Concept Plan**
 - A. Duration of Plan
 - B. Parties
 - C. Area to be Rezoned
 - D. Amendments
 - E. Severability
 - F. Effective Date
 - G. Management Focus
 - H. Proposed Development – Detailed Description (number of lots, general location, access to proposed development, phasing of development)
 - I. Proposed Conservation – Detailed Description (amount of shore frontage, amount of acreage, general location, method(s) of conservation, phasing of conservation)
- VII. **Addressing Review Criteria** – Clearly address each of the review criteria and the major considerations, as described in Section III of this document.
 - A. Statutory Rezoning Criteria 12 MRSA §685-A(8-A)
 - B. Standards for P-RP Subdistrict Boundaries
- VIII. **Implementation**
 - A. Development Approval Procedures – Review criteria for future subdivisions and development proposed within the Concept Plan area
 - B. Land Use Standards applicable to the Concept Plan area
- IX. **Appendices**
 - A. Definitions
 - B. Evidence of Right, Title, Interest
 - C. Conservation Easement
 - D. Homeowners Association Covenants and Bylaws
 - E. Sources
 - F. Maps and Photographs
 - 1. Site Location and Adjacent Property Owners
 - 2. Topography and Soil Survey
 - 3. Existing LURC Zoning
 - 4. Proposed Extent of P-RP Zoning
 - 5. Scenic Views
 - 6. Sample Lot Layout